



Civil Justice Committee

**October 19, 2005
9:00AM – 12:00PM
24 House Office Building**

Committee Action

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Civil Justice Committee

Start Date and Time: Wednesday, October 19, 2005 09:00 am

End Date and Time: Wednesday, October 19, 2005 12:00 pm

Location: 24 HOB

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 3 Florida Birth-Related Neurological Injury Compensation Plan by Berfield

HB 5 Residential Tenancies by Gannon

HB 109 Temporary Custody of a Child by an Extended Family Member or Putative Father by Anderson

HB 157 Homestead Assessments by Littlefield

NOTICE FINALIZED on 10/07/2005 11:49 by Hay.Tracey

COMMITTEE MEETING REPORT

Civil Justice Committee

10/19/2005 9:00:00AM

Location: 24 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Mark Mahon (Chair)	X		
Dean Cannon	X		
Marti Coley	X		
Carl Domino			X
Arthenia Joyner	X		
Irving Slosberg	X		
John Stargel	X		
Totals:	6	0	1

COMMITTEE MEETING REPORT

Civil Justice Committee

10/19/2005 9:00:00AM

Location: 24 HOB

Summary:

Civil Justice Committee

Wednesday October 19, 2005 09:00 am

HB 3	Favorable	Yeas: 5	Nays: 0
HB 5	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 109	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 157	Favorable With Committee Substitute	Yeas: 5	Nays: 0

COMMITTEE MEETING REPORT

Civil Justice Committee

10/19/2005 9:00:00AM

Location: 24 HOB

HB 3 : Florida Birth-Related Neurological Injury Compensation Plan

☒ Favorable -

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dean Cannon			X		
Marti Coley	X				
Carl Domino			X		
Arthenia Joyner	X				
Irving Slosberg	X				
John Stargel	X				
Mark Mahon (Chair)	X				
Total Yeas: 5 Total Nays: 0					

COMMITTEE MEETING REPORT

Civil Justice Committee

10/19/2005 9:00:00AM

Location: 24 HOB

HB 5 : Residential Tenancies

☒ Favorable With Committee Substitute -

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dean Cannon	X				
Marti Coley	X				
Carl Domino			X		
Arthenia Joyner	X				
Irving Slosberg	X				
John Stargel	X				
Mark Mahon (Chair)	X				
Total Yeas: 6		Total Nays: 0			

Appearances:

Residential Tenancies

Alice Vickers (Lobbyist) - Proponent

FL Legal Services

2425 Torreya Dr.

Tallahassee FL 32303

Phone: 850-385-7900

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1a (for drafter's use only)

Bill No. 5

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Civil Justice Committee
Representative(s) Stargel offered the following:

Amendment to Amendment (1) by Representative Gannon

Remove line(s) 60 and insert:
to this part and executed on or after July 1, 2006, by a
landlord who owns more than 10 dwelling units throughout the
state or for a lease on property for which that landlord owns
more than 4 contiguous units.

HB5
Amend
1A

ved
rted

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BILL NO
Subject
Date Received
Date Reported

Place:

☐ Favorable

☐ Favorable with Committee Substitute

☐ Temporarily Passed

Amendments

Other Action:

[illegible]

Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		TOTALS								

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1b (for drafter's use only)

Bill No. 5

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 B

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A

Council/Committee hearing bill: Civil Justice Committee
Representative(s) Stargel offered the following:

Amendment to Amendment (1) by Representative Gannon

Insert at the end of line(s) 27:

However, a victim may not terminate a lease unless the tenant
furnishes the landlord a sworn statement that there are no
cotenants or other parties other than the respondent upon whom
the termination will create a financial loss or hardship, unless
the cotenant or other party agrees to release of the victim.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1c (for drafter's use only)

Bill No. 5

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1c
WIP

Council/Committee hearing bill: Civil Justice Committee
Representative(s) Stargel offered the following:

Amendment to Amendment (1) by Representative Gannon

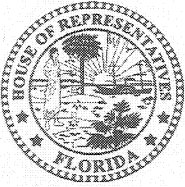
Remove line(s) 20-21 and insert:

(C) "Victim" means:

1. An adult, or the parent or guardian of a minor, who has been granted a permanent injunction against domestic violence, as defined in s. 741.28(2), or who has been granted a permanent injunction against repeat violence, sexual violence, or dating violence, as defined in s. 784.046;

2. A victim of an unexpected illness who provides a sworn statement that he or she will not be able to pay all future financial obligations that the illness will bring upon him or her; or

3. An individual who has been involved in an accident that changed the individual's earning capacity or that requires specialized equipment or access that the landlord is not willing to immediately provide for him or her.



COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. HB 5 Date 10/19/05
Name AGUE Vickers
Title Attorney
Address 2425 Torreya Dr.
City Tallahassee State / Zip FL 32303
Phone Number 850 385-7900
Representing Florida Legal Services

Lobbyist (registered)

Yes

☒

No

☐

State Employee

Yes

☐

No

☒

I wish to speak:

☒

Proponent

☒

*I have been requested to speak:

☐

Opponent

☐

Information

☐

Subject matter:

Landlord Tenant

Domestic Violence

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

☐

Approved by _____ Chair

Copies to:

Original - Council/Committee/Subcommittee

Copy - Person requested to appear

COMMITTEE MEETING REPORT

Civil Justice Committee

10/19/2005 9:00:00AM

Location: 24 HOB

HB 109 : Temporary Custody of a Child by an Extended Family Member or Putative Father

☒ Favorable With Committee Substitute -

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dean Cannon	X				
Marti Coley	X				
Carl Domino			X		
Arthenia Joyner	X				
Irving Slosberg	X				
John Stargel	X				
Mark Mahon (Chair)	X				
Total Yeas: 6		Total Nays: 0			

Appearances:

Temporary Custody of a Child
Fred Dudley (Lobbyist) - Information Only
Family Law Section FL Bar
106 E. College Avenue #1200
Tallahassee FL 32301
Phone: 850-521-8013

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 109

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1
A
w/o obj.

1 Council/Committee hearing bill: Civil Justice Committee
2 Representative(s) Anderson offered the following:

4 **Amendment**

5 Remove line 82 and insert:
6 effect and, if so, the court in which

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 109

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

2
W/D

Council/Committee hearing bill: Civil Justice Committee
Representative(s) Anderson offered the following:

Amendment (with directory and title amendment)

Between lines 99 and 100, insert:

(8) Upon termination of the order granting temporary custody, the extended family member may petition the court to allow visitation with the child. The court shall consider the best interests of the child based upon the child's emotional and psychological needs and attachment to the extended family member who has served as a substitute parent.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 92-93 and insert:

Section 4. Subsection (7) is amended and subsection (8) is added in section 751.05, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 15 and insert:

temporary custody under certain circumstances; providing that an extended family member may petition the court for visitation

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

22 upon termination of the temporary custody order; providing
23 criteria; providing
24

2

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✓
**COMMITTEE/SUBCOMMITTEE
APPEARANCE RECORD**

Bill No. 109 Date Oct. 19, 2005

Name Fred Dudley

Title Attorney

Address 106 E. College Ave., Suite 1200

City Tallahassee State / Zip FL 32301

Phone Number 521-8013

Representing Family Law Section

Lobbyist (registered) Yes ☒ No ☐

State Employee Yes ☐ No ☒

I wish to speak: ☒

Proponent ☐

*I have been requested to speak: ☐

Opponent ☐

Information ☒

Subject matter: CUSTODY (TEMPORARY)

Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair ☐

Approved by _____ Chair

Copies to:

Original - Committee/Subcommittee

Copy - Person requested to appear

COMMITTEE MEETING REPORT

Civil Justice Committee

10/19/2005 9:00:00AM

Location: 24 HOB

HB 157 : Homestead Assessments

☒ Favorable With Committee Substitute -

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dean Cannon	X				
Marti Coley	X				
Carl Domino			X		
Arthenia Joyner				X	
Irving Slosberg	X				
John Stargel	X				
Mark Mahon (Chair)	X				
Total Yeas: 5		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 157

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1

(A) w/o obj.

Council/Committee hearing bill: Civil Justice

Representative(s) Littlefield offered the following:

Amendment

Remove line(s) 31-36 and insert:

3. The change or transfer is by an instrument whereby the owner is listed as both grantor and grantee of the real property, and one or more other individuals are additionally named as grantee. However, should any individual who is additionally named as a grantee apply for a homestead exemption on the property, the application shall be considered a change of ownership.